

NINTH DAY

(Friday, January 20, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called and the following Members were present:

Mr. Speaker.	Hicks.
Adamson.	Hill of Brazoria.
Aikin.	Hill of Webb.
Alexander.	Hodges.
Alsup.	Holekamp.
Anderson	Holland.
of Bexar.	Holloway.
Anderson	Hoskins.
of Johnson.	Huddleston.
Baker.	Hughes.
Barrett.	Hunt.
Barron.	Hyder.
Beck.	James.
Bedford.	Jefferson.
Bourne.	Johnson
Bradley.	of Anderson.
Burns.	Johnson of Dimmit.
Butler.	Jones of Atascosa.
Calvert.	Jones of Runnels.
Camp.	Jones of Shelby.
Canon.	Kayton.
Cathey.	Kyle of Hays.
Caven.	Kyle of Palo Pinto.
Chastain.	Laird.
Clayton.	Latham.
Colson.	Lemens.
Coombes.	Lindsey.
Cowley.	Long.
Crossley.	Lotief.
Daniel.	Magee.
Davidson.	Mackay.
Dean.	Mathis.
Devall.	McClain.
Dunlap.	McCullough.
Dunagan.	McGregor.
Duvall.	McKee.
Dwyer.	Merritt.
Engelhard.	Metcalf.
Fain.	Mitcham.
Few.	Moore.
Fisher.	Morrison.
Ford.	Morse.
Fuchs.	Munson.
Glass.	Nicholson.
Golson.	Palmer.
Good.	Parkhouse.
Goodman.	Patterson.
Graves.	Pavlica.
Greathouse.	Pope.
Griffith.	Puryear.
Haag.	Ramsey.
Hankamer.	Ratliff.
Harman.	Ray.
Harris.	Reader.
Harrison.	Reed of Bowie.
Hartzog.	Reed of Dallas.
Head.	Renfro.

Riddle.	Sullivant.
Roberts.	Tarwater.
Rogers	Tennyson.
of Ochiltree.	Thomas.
Rollins.	Townsend.
Ross.	Turlington.
Russell.	Van Zandt.
Scarborough.	Vaughan.
Scott.	Wagstaff.
Shannon.	Walker.
Shults.	Weinert.
Smith.	Wells.
Stanfield.	West.
Steward.	Winningham.
Stinson.	Wood.
Stovall.	Young.

Absent—Excused

Hester.	Moffett.
Jackson.	Rogers of Hunt.
Leonard.	Savage.
McDougald.	Tillery.

A quorum was announced present.
Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Leonard for today, on motion of Mr. Glass.

Mr. Moffett for today and next Monday, on motion of Mr. Alexander.

Mr. Savage for today, on motion of Mr. Stinson.

Mr. Tillery for today and tomorrow, on motion of Mr. Ford.

Mr. Vaughan for this afternoon and Saturday, on motion of Mr. Harman.

The following Members were granted leaves of absence on account of illness:

Mr. Rogers of Hunt for today and tomorrow, on motion of Mr. Canon.

Mr. Hester for today and tomorrow, on motion of Mr. Graves.

(Mr. Daniel in the Chair.)

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Tillery:

H. B. No. 112, A bill to be entitled "An Act to amend Article 7046, Re-

vised Civil Statutes of Texas, 1925, providing for the levying and collecting of poll tax of persons in this State between the ages of twenty-one and sixty, and providing exceptions thereto, and further fixing the amount of said poll tax, and the time of payment thereof, etc."

Referred to Committee on Revenue and Taxation.

By Mr. Dwyer:

H. B. No. 113, A bill to be entitled "An Act to amend Article 4736 of the Revised Civil Statutes of 1925, as amended by Chapter 91 of the General Laws of the Regular Session of the Forty-second Legislature, so as to include therein fire insurance companies in the provision thereof, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Latham and Mr. Magee:

H. B. No. 114, A bill to be entitled "An Act to amend Subdivision 4 of Article 1546, Chapter 16, Title 17 of the Penal Code, Revised Statutes of 1925, defining a specific act as constituting the offense of swindling, to repeal any Act in conflict, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Vaughan:

H. B. No. 115, A bill to be entitled "An Act to provide for payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than 7,100 and not more than 7,200 population, according to the last preceding Federal Census, from the County Available School Fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Reed of Bowie:

H. B. No. 116, A bill to be entitled "An Act to authorize county tax collectors to issue tax receipts for school taxes in common school districts separate from other taxes, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Ross:

H. B. No. 117, A bill to be entitled "An Act providing a five-year period of limitation for all suits involving the

recovery of mineral rights, ownership of which has been segregated from the ownership of the surface, and providing that the owner and holder of the surface shall in such cases be considered to be in adverse possession of said mineral rights against the owner thereof, and providing that the provisions of this Act shall not be applicable in certain instances."

Referred to Committee on Judiciary.

By Mr. Parkhouse, Mr. Hankamer, Mr. McKee, Mr. Griffith, and Mr. Hartzog:

H. B. No. 118, A bill to be entitled "An Act providing for licenses, permits and fees for same for commercial fishermen, wholesale fish dealers, fish jobbers and retail fish dealers, and defining same; requiring certain reports of wholesale dealers; requiring licenses for the operation of certain kinds of trawls and providing for fees for same, etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Pavlica, Mr. Devall, Mr. McCullough, and Mr. Dunagan:

H. B. No. 119, A bill to be entitled "An Act to require all candidates for State, district, county, and precinct offices in primary elections, in addition to the requirements now provided by law, to include in said request for place on primary ballot, a statement signed and acknowledged by the candidate, that candidate supported and voted for all candidates of the party (naming the political party) at the next preceding general election in Texas."

Referred to Committee on Privileges, Suffrage, and Elections.

By Mr. Pavlica, Mr. Devall, Mr. McCullough, and Mr. Dunagan:

H. B. No. 120, A bill to be entitled "An Act amending Article 3110, Revised Statutes of Texas, providing official ballots for primary elections shall have no symbol or device or any printed matter, except a uniform primary test, stating that test and to be signed by the voter offering to vote the ballot, and providing that any ballot which shall not contain such printed test above the names of the candidates on said ballot and signed by the voter, shall not be counted."

Referred to Committee on Privileges, Suffrage, and Elections.

By Mr. Alsup:

H. B. No. 121, A bill to be entitled "An Act to amend Chapter 6 of the Special Laws of the Acts of the Regular Session of the Forty-second Legislature providing for an open season or period of time when it shall be lawful to take or kill squirrel in certain counties; providing penalties for the violation thereof; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Anderson of Bexar:

H. B. No. 122, A bill to be entitled "An Act to regulate the manufacture, sale and disposition of non-intoxicating malt liquors and the places wherein same are manufactured and sold; defining non-intoxicating malt liquors; imposing an occupation tax upon certain persons, firms, corporations and associations of persons manufacturing and selling non-intoxicating malt liquors; defining manufacturers of such non-intoxicating malt liquors and regulating the business thereof, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Anderson of Bexar:

H. B. No. 123, A bill to be entitled "An Act amending Articles 666 and 667 of the Penal Code of 1925, so as to define intoxicating malt liquors capable of producing intoxication as any malt liquors containing in excess of 3.2 per cent of alcohol by weight; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Anderson of Bexar:

H. B. No. 124, A bill to be entitled "An Act to amend Article 4731, of the Revised Civil Statutes, by enlargement so as to provide that information concerning the legislative activities of life insurance companies shall be filed with the Chairman of the Board of Insurance Commissioners and transmitted by the Chairman to the presiding officers of the House of Representatives and Senate of the State of Texas. The Chairman of the Board of Insurance Commissioners shall transmit copies of such lists

to the presiding officers of the House of Representatives and Senate of the State of Texas."

Referred to Committee on Insurance.

By Mr. Anderson of Bexar:

H. B. No. 125, A bill to be entitled "An Act requiring domestic life insurance companies to file a statement annually with the Board of Insurance Commissioners listing all securities acquired during the preceding year and all loans made during the preceding year and showing the history of the acquisition and disposition thereof and other information relating thereto."

Referred to Committee on Insurance.

By Mr. Anderson of Bexar:

H. B. No. 126, A bill to be entitled "An Act to amend Article 4730, of the Revised Civil Statutes, so as to require that payment of compensation by domestic life insurance companies to officers, trustees, directors, and other persons, firms, or corporations shall be first authorized by vote of the board of directors of such companies and approved by the Board of Insurance Commissioners; and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Anderson of Bexar:

H. B. No. 127, A bill to be entitled "An Act amending Article 4690 of the Revised Civil Statutes so as to provide for annual examination of insurance companies."

Referred to Committee on Insurance.

By Mr. Anderson of Bexar:

H. B. No. 128, A bill to be entitled "An Act amending Article 4721, of the Revised Civil Statutes, requiring the annual statement of life insurance companies, or accident insurance companies, or life and accident, health and accident, or life, health, and accident insurance companies, organized under the laws of this State, to include information regarding securities acquired and loans made during the preceding year; and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Anderson of Bexar:

H. B. No. 129, A bill to be entitled "An Act to amend Chapter 137, of the Special Laws of Texas, Regular Session of the Forty-second Legislature, and declaring an emergency." (Relating to establishing a system of public roads and bridges for Bexar County, known as the Bexar County Road Law.)

Referred to Committee on State Affairs.

By Mr. Anderson of Bexar:

H. B. No. 130, A bill to be entitled "An Act providing that hereafter no life insurance company shall be compelled as a condition of its right to transact life insurance business in Texas or otherwise, either to invest or to keep invested in Texas securities and or Texas real estate a sum of money equal to 75 or any other per centum of its Texas reserve, but that each life insurance company shall continue bound to make reports of the amounts of its Texas reserves and of its investments in Texas securities and in Texas real estate; etc., and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Anderson of Bexar:

H. B. No. 131, A bill to be entitled "An Act to establish and create a criminal judicial district and a criminal district court for Bexar County; providing for the jurisdiction of and procedure in said court; fixing the time for holding the terms of said court; providing for the election, tenure of office, qualifications, duties, powers, and compensation of a judge of said court; etc."

Referred to Committee on Judicial Districts.

By Mr. Anderson of Bexar:

H. B. No. 132, A bill to be entitled "An Act providing that all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions transported into the State of Texas, and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in the State of Texas, be subject to the operation and effect of the laws of the State of Texas, etc."

Referred to Committee on Labor.

By Mr. Anderson of Bexar:

H. B. No. 133, A bill to be entitled "An Act amending Article 923-h, Title 13, Chapter 6, of the Penal Code of the State of Texas, providing for the sale by tanners and taxidermists of specimens in their possession unclaimed after the expiration of ninety days, and exempting said tanners and taxidermists from penalties for possession, sale, barter, and trade of hides, heads, and carcasses of animals during closed seasons."

Referred to Committee on Game and Fisheries.

By Mr. Anderson of Bexar:

H. B. No. 134, A bill to be entitled "An Act to amend Section 15, Article 7047, Revised Civil Statutes, 1925, defining 'money lenders,' and fixing an annual tax of one hundred and fifty dollars (\$150) for each place of business, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Anderson of Bexar:

H. B. No. 135, A bill to be entitled "An Act to amend Article 619, Penal Code of 1925, relating to keeping a gaming table or bank so as to omit reference therein to slot machines and making it a misdemeanor to keep or exhibit any slot or vending machine for the purpose of gaming, and defining the same; prescribing penalties for a violation thereof; etc., and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Anderson of Bexar:

H. B. No. 136, A bill to be entitled "An Act to amend Article 288, of the Penal Code of the State of Texas, 1925, as amended by Chapter 188, General Laws of the Fortieth Legislature, Regular Session, so as to make it lawful to teach modern languages in certain elementary grades, and in the high school grades, in public free schools, and making it lawful to teach the Spanish language in the elementary grades in the public free schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of 5,000 inhabitants, or more, according to the United States Census of 1920, and declaring an emergency."

Referred to Committee on Education.

By Mr. Holland:

H. B. No. 137, A bill to be entitled "An Act amending Article 3832, Title 57, of 1925 Revised Civil Statutes of the State of Texas, more clearly defining what personal property shall be reserved to every family exempt from attachment and execution and every other species of forced sale for the payment of debts."

Referred to Committee on Judiciary.

By Mr. Few, Mr. McKee, Mr. Stovall, and Mr. Puryear:

H. B. No. 138, A bill to be entitled "An Act proportionately taxing the equity of redemption in all real estate and the lien indebtedness thereon, whether the same be by a vendor's lien, mortgage, deed of trust, or any contract lien securing the payment of any and all indebtedness, and according to the interest of the record, real owner, or vendee and the lien holder therein, whether one or more, providing that for the purposes of taxation, all liens on real property securing the payment of any indebtedness, regardless of the kind or character, or how the same may be drawn, shall be considered an interest in the real property by which any debt is secured; providing that each owner of any interest shall render the same for taxation according to the true and full value in money thereof and in the manner, time, and method that is now provided for in cases for resident owners of real property, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Rollins and Mr. Lotief:

H. B. No. 139, A bill to be entitled "An Act amending Section 5, Chapter 88, of the Acts of the Second Called Session of the Forty-first Legislature, so as to decrease the license fee for the registration of motorcycles and passenger cars."

Referred to Committee on Highways and Motor Traffic.

By Mr. Devall:

H. B. No. 140, A bill to be entitled "An Act repealing Chapter 50, of the Special Laws of Texas of the Regular Session of the Forty-second Legislature of the State of Texas, known as House Bill No. 712, providing for a special road law in Lavaca County, Texas, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Morrison, Mrs. Hughes, Mr. Hoskins, Mr. Jefferson, Mr. Anderson of Bexar, Mr. Dunagan, and Mr. Hicks:

H. B. No. 141, A bill to be entitled "An Act to provide an old age relief system for resident citizens over the age of 70 years; providing for the administration of the system through the county commissioners courts of the various counties in the State and permitting the payment of the old age relief and the expense of the administration from the general revenue of the county of which the applicant is a resident; etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Dunagan:

H. B. No. 142, A bill to be entitled "An Act releasing the penalty and interest accrued and as now fixed by law, on all State, county, special school, school district, road district, levee improvement district, and irrigation district taxes, and taxes of other defined subdivisions of the State; suspending all laws and parts of laws in conflict herewith during the term of this Act; and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Stinson and Mrs. Hughes:

H. B. No. 143, A bill to be entitled "An Act providing that when a person of unsound mind shall die intestate, or a minor shall die and such deceased person has a legally appointed, qualified, and acting guardian, that such guardian shall ipso facto, become the administrator of the estate of such deceased person with all the powers, rights, and duties of other administrators to administer and distribute such estate; etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Van Zandt, Mr. Sullivant, Mr. Wood, Mr. Adamson, and Mr. Canon:

H. B. No. 144, A bill to be entitled "An Act to amend Articles 6050, 6058, 6059, as amended, 6060, as amended, 6066, as amended, Revised Civil Statutes of Texas, 1925, and by adding Articles 6058-a and 6058-b, so as to more clearly define gas utility and to pro-

hibit the raising of gas rates in unincorporated towns and in incorporated towns of less than 500 population, and of rural subscribers without notice and hearing; etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Barron, Mr. Duvall et al.:

H. B. No. 145, A bill to be entitled "An Act to amend Article 7101, Chapter 4, Title 122, of the Revised Civil Statutes of Texas of 1925; amending Articles 7041, 7042, 7043, 7044, and 7045, of Chapter 1, Title 122, Revised Civil Statutes of Texas of 1925, providing for the transfer and the combining of the duties now performed in the fixing and ascertaining of the State ad valorem tax rate by the Board composed of the Governor, Comptroller, and State Treasurer to the State Tax Board, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Duvall, Mr. Devall, Mr. James, and Mr. Butler:

H. B. No. 146, A bill to be entitled "An Act levying and providing for payment and collection of occupation taxes upon persons engaged (within this State) in mining, quarrying, or otherwise producing from the earth, minerals or other earthen constituents and selling same, persons engaged in manufacturing or felling and/or treating and selling timber, persons engaged in manufacturing, compounding, and refining and selling commercial articles and commodities, persons engaged in jobbing or wholesaling or brokering property or articles and commodities, persons engaged in retail selling of commercial articles, persons engaged in fabricating or treating structural metals or timbers or lumber, persons engaged in common carriage for hire of passengers, goods, and commodities, persons engaged in transporting property by (Class B) trucks operated on public highways, persons engaged in contracting of or for buildings, etc., persons engaged in inn-keeping, etc., persons engaged in printing or publishing newspapers, etc., persons engaged in distribution and selling of natural gas, etc., and providing for ascertainment of the amount of such

tax to be paid to the State of Texas at times and in manner provided in the Act and requiring such taxed persons to make and file reports of gross receipts of their occupations, etc.—all with certain exceptions provided,—providing for penalties for failure to make such reports when due and/or for failure to pay such taxes when due, providing for separability of provisions of the Act (in event some be held unconstitutional), and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Ray:

H. B. No. 147, A bill to be entitled "An Act to prohibit the increase of premium and/or rates to be collected after five years of continuous membership in any fraternal benefit societies, as provided for in Chapter 8."

Referred to Committee on Insurance.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Mathis and Mr. Anderson of Bexar:

H. J. R. No. 10, Amend Article XVI of the Constitution of the State of Texas, by striking out Section 20 thereof, and substituting in lieu thereof a new section, to be known as Section 20; providing for the sale, barter, trade, and exchange of intoxicating and non-intoxicating liquors and defining same; providing for the holding of local option elections to determine whether same may, or may not, be sold and consumed; etc."

Referred to Committee on Constitutional Amendments.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, January 20, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate Bill No. 1, and request the appointment of a conference

committee. The following have been appointed on the part of the Senate: Senators Woodul, Parr, Moore, Martin, and Blackert.

Respectfully,
BOB BARKER,
 Secretary of the Senate.

CONFERENCE COMMITTEE ON SENATE BILL NO. 1

On motion of Mr. Morse, the House granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 1.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Morse, West, Walker, Shults, and Wells.

RELATIVE TO THE ABANDON- MENT OF CERTAIN RAIL- ROAD LINE

Mr. Jones of Atascosa offered the following resolution:

H. C. R. No. 8, Relative to the abandonment of certain railroad line.

Whereas, On October 21, 1932, the Railroad Commission of Texas, after numerous informal protests, entered its order directing the San Antonio, Uvalde and Gulf Railroad Company to proceed at once, with haste and without undue delay, to make such repairs to its track, roadbeds, and bridges between the stations of North Pleasanton and Gardendale, or any part of its line between said stations now out of repair, and place it in such condition as will enable it to perform all its duties as a common carrier with reasonable safety to persons and property, and that train service be re-established at the earliest possible date; and,

Whereas, The San Antonio, Uvalde and Gulf Railroad Company, instead of obeying said order, applied to the Interstate Commerce Commission for a certificate of convenience and necessity authorizing it to abandon 28.7 miles of said track between Gardendale and a point two miles beyond Fowlerton from Gardendale, which application is now pending before the Interstate Commerce Commission, pending hearing set for January 26, 1933, in San Antonio; and,

Whereas, The San Antonio, Uvalde and Gulf Railroad Company by such action has indicated its defiance of

the duly constituted authorities of the State of Texas in charge of the regulation of common carriers in this State; and,

Whereas, The San Antonio, Uvalde and Gulf Railroad was built under a charter authorizing the operation of a line of railroad from Uvalde in Uvalde County to Crystal City in Zavalla County and through Dimmit and LaSalle Counties to Fowlerton in McMullen County and thence to Pleasanton in Atascosa County and north to San Antonio in Bexar County, Texas, and south from Pleasanton through Live Oak County and San Patricio County to Corpus Christi in Nueces County, and the proposed abandonment of said 28.7 miles of said railroad will cut in two in the middle said line of railroad and sever the connection of that part of the railroad which lies in the great Winter Garden District from that part which runs through LaSalle, McMullen, Atascosa, Live Oak, San Patricio, and Nueces Counties to the great deep water port at Corpus Christi, and will thereby increase by 39.7 miles the present short line haul between the Winter Garden District and its nearest deep water port at Corpus Christi and will increase by 39.7 miles the short line haul between all points on said railroad in the Counties of Live Oak, Atascosa, and McMullen, on the one end, and the Winter Garden District and the port of entry into Mexico, on the other end, thereby increasing from 2 to 6 per cent per 100 pounds the charges on all freight moving between said points, if and when said abandonment is permitted, and will breach the duties of the San Antonio, Uvalde and Gulf Railroad Company under its charter from the State of Texas to maintain railroad connections between all points on its present line of railroad; and,

Whereas, Said proposed abandonment will involve the question of the right of the State to enforce the observation of its charter contracts with railroad companies operating wholly within this State and the rights of our citizens who, by large bonuses for railroad constructions, have procured the construction of railroads in our State to hold the benefits for which they have paid and to be entitled to the reduced freight rates which such railroad construction has established, under the commerce laws of our State and of the United States,

which, it is important in the public interest to have definitely determined for the benefit not only for the people affected in said case, but of all the people of Texas; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Railroad Commission of Texas, if the Railroad Commission deems it advisable, and the Attorney General of Texas be, and they are hereby, requested to protest against abandonment of said line of railroad, and in the event such protest be by the Interstate Commerce Commission overruled, that the Attorney General of Texas be, and he is hereby, authorized and directed, if the Railroad Commission deems it advisable, to carry the question of abandonment of said railroad into such court or courts of competent jurisdiction as may be necessary, in the opinion of the Attorney General, to prevent such abandonment and to uphold the rights of the people of Texas to the enforced observance of the duties of said railroad under its charter from the State of Texas.

JONES of Atascosa,
POPE,
JOHNSON of Dimmit,
HILL of Webb,
ROBERTS.

The resolution was read second time.

Mr. Fisher moved that the resolution be referred to the Committee on Common Carriers.

On motion of Mr. Johnson of Dimmit, the motion to refer the resolution was tabled.

The resolution was then adopted.

PROVIDING FOR THE PAYMENT OF CERTAIN EXPENSE

Mr. Mathis offered the following resolution:

Whereas, In order to secure proper and convenient space for the meeting of the various committees and the housing of the Enrolling and Engrossing Departments, it has become necessary to make some changes in the space now occupied by the Health Department and the Reclamation Department, which has been so arranged through the aid and assistance of the Board of Control, which rearrangement will necessitate the incurring of the necessary expense in making said changes; therefore, be it

Resolved by the House of Representatives, That the necessary expense incurred in making the changes aforesaid be ordered paid out of the Contingent Expense Fund of the House of Representatives of the Forty-third Legislature.

MATHIS,
KAYTON,
JOHNSON of Dimmit,
NICHOLSON,
CHASTAIN,
HOLLOWAY,
LEONARD.

The resolution was read second time, and was adopted.

RELATIVE TO THE APPOINTMENT OF ADDITIONAL PAGES

The Speaker laid before the House, for consideration at this time, a resolution offered on yesterday by Mr. Golson, providing for the appointment of additional pages, the resolution having been read second time on yesterday.

Mr. Golson, by unanimous consent of the House, withdrew the resolution.

DETERMINING THE ORDER OF PROCEDURE OF THE HOUSE AND SENATE

Mr. Pope offered the following resolution:

H. C. R. No. 9, Relative to the order of procedure.

Whereas, At the general election on November 4, 1930, Section 5 of Article III of the Constitution of Texas, was amended so as to hereafter read as follows, to wit:

"The Legislature shall meet every two years at such time as may be provided by law and at other times when convened by the Governor. When convened in Regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, that during the succeeding thirty days of the Regular Session of the Legislature the various committees

of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further, that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business by an affirmative vote of four-fifths of its Membership."

Whereas, Under said amendment it is specifically provided that either House may determine its order of business by an affirmative vote of four-fifths of its Membership; therefore, be it

Resolved by the Senate by an affirmative vote of four-fifths of its Membership, the House of Representatives concurring by an affirmative vote of four-fifths of its Membership, That the order of business is hereby determined to be governed by the general rules of the respective Houses, except in so far as they do not conflict with the following special rules, which are hereby adopted:

Rule I

It shall be in order to introduce bills or resolutions during the first forty-five days of the Regular Session and have the same referred to a proper committee.

Rule II

After the first forty-five days of the Regular Session, no bills shall be introduced except local bills as herein-after defined, emergency appropriations, acting upon appointees of the Governor (whether recess appointments or otherwise) and all emergency matters submitted by the Governor in special messages to the Legislature, unless otherwise directed by an affirmative record vote of four-fifths of the Membership of the House voting in which the bill is first introduced.

Rule III

Local bills may be introduced at any time and considered at any time by the committee to which they have been referred and reported by said committee and considered and dis-

posed of by the House in which said bill is pending in the due order of business as determined by the general rules of the House in which the bill is pending. A local bill is defined by the purposes of this rule as an Act, the provisions of which relate to or affect directly a defined locality, district, or section of the State but which does not affect directly the State at large, and the operations of which is confined to a particular locality, district, or section of the State.

Rule IV

Local bills, emergency appropriations, acting upon the appointees of the Governor (whether recess appointments or otherwise), and all emergency matters submitted by the Governor in special messages to the Legislature may be considered and disposed of at any time by either House under the general rules and order of business.

Rule V

During the first sixty days of the Regular Session, under the general rules of either House and in the due order of business, either House may take up, consider, and dispose of any bill not of the nature named in the foregoing Rule 4 by an affirmative vote of four-fifths of the Membership voting, or in accordance with the rules of the House in which said bill is pending.

Rule VI

It shall be in order for committees to consider bills at any time during the Session, their reports, and the consideration by either House in accordance with the rules of the House in which said bill is pending.

Joint Rule 24, of the Joint Rules of the Forty-second Legislature of the two Houses, is hereby annulled and cancelled and in all things made void.

When any bill shall have been finally acted upon by either Branch of the Legislature, and shall have been transmitted to the other, said bill shall be, by the presiding officer thereof, referred to an appropriate committee, and it shall not be necessary to be voted upon as a prerequisite to its consideration by the receiving Branch.

Rule VII

In reckoning the time within which a bill has been introduced, the date of its first introduction in either House shall govern.

The resolution was read second time.

On motion of Mr. Pope, by unanimous consent, the resolution was ordered printed in the Journal and consideration of same was postponed until 10 o'clock a. m., next Monday.

On motion of Mr. Van Zandt, the proposed amendments to House Concurrent Resolution No. 9 were ordered printed in the Journal.

RELATIVE TO ORDER OF BUSINESS IN THE HOUSE

Mr. Pope offered the following resolution:

Whereas, At the general election on November 4, 1930, Section 5 of Article III of the Constitution of Texas was amended so as to hereafter read as follows, to wit:

"The Legislature shall meet every two years at such time as may be provided by law and at other times when convened by the Governor. When convened in Regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor, and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided that during the succeeding thirty days of the Regular Session of the Legislature, the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further, that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business by an affirmative vote of four-fifths of its Membership."

Whereas, Under said amendment it is specifically provided that either

House may otherwise determine its order of business by an affirmative vote of four-fifths of its Membership; therefore, be it

Resolved by the House of Representatives, by an affirmative vote of four-fifths of its Members, That the order of business is hereby determined to be otherwise, and except as herein expressly provided, the Rules as printed in the Manual of the Forty-second Legislature, with the amendments thereto shown in the Journal, shall govern the procedure in the House and may be amended as therein provided.

Add at end of Section 4, House Rule XIX:

"During the first forty-five days of the Regular Session, unless otherwise directed by majority vote of the House, twenty-four (24) hours may elapse between the time of introduction and the time of the first reading and reference to the proper committee."

Add at end of Section 2, House Rule XVII:

"Concurrent resolutions which permit the bringing of suits against the State of Texas or any department thereof, shall be referred to the proper committee, upon introduction, the same as bills."

The resolution was read second time.

On motion of Mr. Pope, the resolution and all proposed amendments were ordered printed in the Journal, and further consideration of same postponed until 10 o'clock a. m. next Monday.

Mrs. Hughes and Mr. Wagstaff offered the following proposed amendments to the resolution:

Amend the committee report on House Rules by striking out the following words of Section 5 of Rule XIX, viz.:

"Bills and resolutions introduced during the first sixty days may be considered by the committees and in the House and disposed of at any time during the Session; provided, however, no bill or joint resolution shall be introduced in the House after the first sixty days of a Regular Session of the Legislature except by consent of a two-third vote of the House; and, if so ordered by

a two-thirds vote, such a bill or joint resolution shall then be referred to a committee for consideration, the same as other bills and joint resolutions. It is further provided, that after the first sixty days, when a Member desires to introduce a bill or joint resolution, he shall be allowed five minutes in which to explain the purposes of his bill, the vote then being taken without further debate."

And insert in lieu thereof the following:

"Bills and resolutions introduced during the first forty-five days of the Regular Session may be considered by the committees and in the House and disposed of at any time during the Session; provided, however, that after the first forty-five days of a Regular Session, no bill shall be introduced in the House except local bills, emergency appropriations, and all emergency matters submitted by the Governor in special messages to the Legislature, unless otherwise directed by an affirmative record vote of two-thirds of its Membership."

Mr. Johnson of Dimmit offered the following proposed substitute for the amendment by Mrs. Hughes and Mr. Wagstaff:

Amend the committee report on House Rules by striking out the following words of Section 5 of Rule XIX, viz.:

"Bills and resolutions introduced during the first sixty days may be considered by the committees and in the House and disposed of at any time during the Session; provided, however, no bill or joint resolution shall be introduced in the House after the first sixty days of a Regular Session of the Legislature except by consent of a two-thirds vote of the House; and, if so ordered by a two-thirds vote, such a bill or joint resolution shall then be referred to a committee for consideration, the same as other bills and joint resolutions. It is further provided, that after the first sixty days, when a Member desires to introduce a bill or joint resolution, he shall be allowed five minutes in which to explain the purposes of his bill, the vote then being taken without further debate."

And insert in lieu thereof the following:

"Bills and resolutions introduced during the first forty-five days of the Regular Session may be considered by the committees and in the House and disposed of at any time during the Session; provided, however, that after the first forty-five days of a Regular Session, no bill shall be introduced in the House except local bills, emergency appropriations, and all emergency matters submitted by the Governor in special messages to the Legislature, unless otherwise directed by an affirmative record vote of four-fifths of its membership."

Signed—Alexander, Harris, Russell, Cathey, Hunt, Van Zandt, Rollins, Sullivant, Graves, Townsend, Ratliff, Turlington, Cowley, Johnson of Dimmit, Shults, Roberts, Crossley, Metcalfe, Dean, Ford, Head, Riddle, Jones of Shelby, Kyle of Hays, Haag, Scott.

HOUSE BILL NO. 18 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 18, A bill to be entitled "An Act amending Article 6548, Revised Civil Statutes, 1925, so as to authorize the substitution, in whole or in part, of motor bus lines for street and interurban railways by companies authorized to operate a street, or suburban, or interurban railway, authorizing such companies to operate motor busses for the carrying of passengers for hire, and providing that such substitution of motor busses shall not impair any of the corporate powers of such corporations heretofore organized."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 18 ON THIRD READING

Mr. Anderson of Bexar moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House bill No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adamson.	Kyle of Hays.
Aikin.	Kyle of Palo Pinto.
Alsup.	Laird.
Anderson	Latham.
of Bexar.	Lemens.
Anderson	Lindsey.
of Johnson.	Long.
Baker.	Lotief.
Barrett.	Mackay.
Barron.	Magee.
Bourne.	Mathis.
Burns.	McClain.
Calvert.	McCullough.
Canon.	McGregor.
Cathey.	Merritt.
Caven.	Metcalf.
Chastain.	Mitcham.
Clayton.	Moore.
Daniel.	Morrison.
Davidson.	Munson.
Devall.	Nicholson.
Dunagan.	Palmer.
Dwyer.	Parkhouse.
Engelhard.	Pavlica.
Fain.	Pope.
Fisher.	Puryear.
Ford.	Ramsey.
Fuchs.	Ratliff.
Glass.	Ray.
Golson.	Reed of Bowie.
Good.	Reed of Dallas.
Goodman.	Renfro.
Graves.	Riddle.
Griffith.	Roberts.
Hankamer.	Rogers
Harris.	of Ochiltree.
Harrison.	Rollins.
Hartzog.	Ross.
Head.	Russell.
Hicks.	Scarborough.
Hill of Brazoria.	Scott.
Hill of Webb.	Smith.
Hodges.	Stanfield.
Holekamp.	Steward.
Holland.	Stinson.
Holloway.	Sullivant.
Huddleston.	Tarwater.
Hughes.	Tennyson.
Hyder.	Thomas.
James.	Turlington.
Jefferson.	Van Zandt.
Johnson	Wagstaff.
of Anderson.	Weinert.
Johnson	Winningham.
of Dimmit.	Wood.
Jones of Runnels.	Young.
Jones of Shelby.	

Present—Not Voting

Beck.	Colson.
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Absent

Alexander.	Bradley.
Bedford.	Butler.

Camp.	Kayton.
Coombes.	McKee.
Cowley.	Morse.
Crossley.	Patterson.
Dean.	Reader.
Dunlap.	Savage.
Duvall.	Shannon.
Few.	Shults.
Greathouse.	Stovall.
Haag.	Townsend.
Harman.	Vaughan.
Hoskins.	Walker.
Hunt.	Wells.
Jones of Atascosa.	West.

Absent—Excused

Hester.	Moffett.
Jackson.	Rogers of Hunt.
Leonard.	Tillery.
McDougald.	

The Speaker then laid House bill No. 18 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

Adamson.	Hill of Brazoria.
Aikin.	Hill of Webb.
Alexander.	Hodges.
Alsup.	Holekamp.
Anderson	Holland.
of Bexar.	Holloway.
Anderson	Huddleston.
of Johnson.	Hughes.
Baker.	James.
Bourne.	Jefferson.
Burns.	Johnson
Butler.	of Anderson.
Canon.	Johnson
Caven.	of Dimmit.
Chastain.	Jones of Shelby.
Clayton.	Kyle of Hays.
Coombes.	Kyle of Palo Pinto.
Daniel.	Laird.
Davidson.	Latham.
Dean.	Lemens.
Devall.	Lindsey.
Dunagan.	Long.
Dwyer.	Lotief.
Engelhard.	Mackay.
Fain.	Magee.
Fisher.	Mathis.
Ford.	McClain.
Fuchs.	McCullough.
Glass.	McGregor.
Golson.	Merritt.
Good.	Metcalf.
Goodman.	Mitcham.
Hankamer.	Moore.
Harrison.	Morrison.
Hartzog.	Morse.
Head.	Munson.
Hicks.	Nicholson.

Palmer.	Shults.
Parkhouse.	Smith.
Pavlica.	Stanfield.
Pope.	Steward.
Puryear.	Stinson.
Ramsey.	Stovall.
Ratliff.	Tarwater.
Ray.	Tennyson.
Reed of Dallas.	Townsend.
Renfro.	Turlington.
Roberts.	Van Zandt.
Rogers	Wagstaff.
of Ochiltree.	Walker.
Rollins.	Weinert.
Ross.	Wells.
Russell.	Winningham.
Scarborough.	Wood.
Scott.	Young.

Nays—2

Barrett. Jones of Runnels.

Present—Not Voting

Beck. Haag.

Absent

Barron.	Hoskins.
Bedford.	Hunt.
Bradley.	Hyder.
Calvert.	Jones of Atascosa.
Camp.	Kayton.
Cathey.	McKee.
Colson.	Patterson.
Cowley.	Reader.
Crossley.	Reed of Bowie.
Dunlap.	Riddle.
Duvall.	Savage.
Few.	Shannon.
Graves.	Sullivant.
Greathouse.	Thomas.
Griffith.	Vaughan.
Harman.	West.
Harris.	

Absent—Excused

Hester.	Moffett.
Jackson.	Rogers of Hunt.
Leonard.	Tillery.
McDougald.	

**EXPRESSING APPRECIATION TO
SERGEANTS-AT-ARMS OF
OF THE HOUSE AND
SENATE**

Mr. McGregor offered the following resolution:

Whereas, The inaugural committee appointed by the Speaker on the part of the House, and the committee appointed by the President of the Senate on the part

of the Senate, turned the management and control of the physical arrangements of the inauguration over to the Sergeant-at-Arms of the House, Joe White, and the Sergeant-at-Arms of the Senate, A. W. Holt; and

Whereas, There was appropriated for the purpose of covering the expenses incident to said inauguration the sum of five hundred dollars (\$500); and

Whereas, The Sergeants-at-Arms of the House and of the Senate made such arrangements at a total cost of \$133.12, which was expended as follows:

Platform	\$ 81.75
Loud speakers	16.99
Cloth for decorations	9.38
Hauling chairs from University	10.00
Piano rent	15.00

Making a total of \$133.12

Whereas, Such arrangements were adequate and attractive and were furnished with a minimum of expense, being the least amount expended for that purpose in many, many years; therefore, be it

Resolved by the House, That the House expresses its appreciation and approval of the arrangements made by the Sergeants-at-Arms and compliments them on the small amount expended therefor.

McGREGOR,
JONES of Atascosa,
FORD,
ANDERSON of Bexar,
WALKER.

The resolution was read second time, and was adopted.

BILL RE-REFERRED

On motion of Mr. Devall, House Bill No. 140 was withdrawn from the the Committee on Highways and Motor Traffic, and referred to the Committee on Revenue and Taxation.

ADJOURNMENT

On motion of Mr. Anderson of Bexar, the House, at 11:30 o'clock a. m., adjourned until 10 o'clock a. m., next Monday, January 23, 1933.

In Memory of

Lieutenant Colonel Taylor Nichols

Mr. Coombes offered the following resolution:

Whereas, Lieutenant Colonel Taylor Nichols, United States Property and Disbursing Officer, Camp Mabry, Texas, and commissioned Lieutenant Colonel, Quartermaster Corps, Texas National Guard, departed this life at his home on January 18, 1933; and

Whereas, Colonel Nichols was born in Lampasas, Texas, September 22, 1887, and was educated in the public schools of that city. He served overseas during the World War, first as a non-commissioned officer and later as Second Lieutenant in the 111th Field Signal Battalion of the 36th Division.

After the World War he made his home in Robstown, Texas, and in May, 1922, organized Company C of the 141st Infantry, Texas National Guard, at that place, and commanded the company with the rank of Captain from May 27, 1922, to July 12, 1923.

On February 17, 1927, he was appointed Assistant Adjutant General of Texas and commissioned Lieutenant Colonel, Adjutant General's Department of the Texas National Guard. On March 1, 1930, he was transferred to the Quartermaster Corps and appointed United States Property and Disbursing Officer and Assistant Quartermaster General of Texas; now, therefore, be it

Resolved, That the House of Representatives deeply regrets the untimely death of Colonel Nichols, and extends its unbounded sympathy to his family in their bereavement; be it further

Resolved, That a copy of this resolution be forwarded to his family by the Chief Clerk of the House, and that a page of the House Journal be set aside in honor of his memory.

COOMBES,
PATTERSON,
WALKER.

The resolution was read second time.

On motion of Mr. Greathouse, the names of all Members of the House were added to the resolution as signers thereof.

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Chastain, Clayton, Colson, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Jones of Atascosa, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivan, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Weinert, Wells, West, Winningham, Wood, Young.

The resolution was then adopted by a rising vote.